

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re: Sucarol Elliott,

Debtor.

Case No. 05-89003
Chapter 13
Hon: Thomas J. Tucker

**ORDER DENYING MOTION FOR
EXPEDITED HEARING, WITHOUT PREJUDICE**

The Debtor filed this Chapter 13 case on October 26, 2005.¹ According to Debtor, she had one previous bankruptcy case pending within the last year, a Chapter 13 case that was dismissed on September 23, 2005. On November 4, 2005, Debtor filed a motion to continue the automatic stay beyond the initial 30-day stay period, under 11 U.S.C. § 362(c)(3)(B)(Docket #9). Also on November 4, 2005, Debtor filed a motion for expedited hearing, entitled “Application for Expedited Hearing Regarding Debtor’s Application for Continuation of the Automatic Stay”(Docket #10).

Debtor’s motion for expedited hearing must be denied as unnecessary, and because it is not the proper procedure for obtaining an expedited hearing on a motion to extend the stay under § 362(c)(3)(B). The proper procedure is set forth in this Court’s Local Rule 4001-6(a), which provides:

(a) Motion to Extend the Stay. The deadline to file and serve a motion to extend the stay under 11 U.S.C. § 362(c)(3)(B) is 7 days after the petition is filed. **Immediately after filing the motion, the movant shall obtain a hearing date from the judge’s courtroom deputy clerk, who will cause notice of the hearing to be served on all parties in interest.** Any party in interest may be heard at the hearing. Written objections are permitted but not required.

(emphasis added). Debtor must follow this procedure to obtain a hearing, but has not yet done so.

IT IS HEREBY ORDERED that Debtors’ “Application for Expedited Hearing Regarding Debtor’s Application for Continuation of the Automatic Stay,” filed November 4, 2005 (Docket #10), is DENIED, without prejudice.

Date: November 7, 2005

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge

cc: Jack Berman
Tammy L. Terry, Trustee

¹ Citations to the Bankruptcy Code in this Order, therefore, are to the Code as amended by the “Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.”